

AMENDED IN ASSEMBLY JULY 14, 2003

AMENDED IN SENATE MAY 13, 2003

AMENDED IN SENATE APRIL 24, 2003

AMENDED IN SENATE APRIL 9, 2003

**SENATE BILL**

**No. 842**

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**Introduced by Senator Karnette**

February 21, 2003

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An act to add Section 60061.8 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 842, as amended, Karnette. Instructional materials: accessibility.

Existing law provides for the adoption and selection of quality instructional materials for use in elementary and secondary schools, and imposes requirements upon publishers and manufacturers of instructional materials.

This bill would require publishers to make *basic* instructional materials more accessible to pupils with disabilities, *as specified*. The bill would ~~also require publishers to extend design principles of technology-based materials, as defined, to instructional materials, and to design digital multimedia programs intended for use by the general population of pupils in ways that~~ facilitate access to *Internet resources and digital multimedia programs intended for use by the general population of pupils* by pupils with disabilities who are progressing in the general curriculum, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) All major publishers of instructional materials are  
4 developing various ways of delivering general curriculum to  
5 pupils in an array of formats, including print, video, CD-ROM,  
6 and the Internet.

7 (b) Federal legislation, including the Individuals with  
8 Disabilities Education Act and the No Child Left Behind Act of  
9 2001, mandate access to general curriculum for pupils with  
10 disabilities.

11 (c) Powerful new learning technologies are being produced  
12 today and more are yet to be defined. If access to those  
13 technologies is not installed before production and dissemination  
14 to schools, those technologies will have to be retrofitted at great  
15 expense, in order to accommodate over 600,000 California pupils  
16 with disabilities.

17 SEC. 2. Section 60061.8 is added to the Education Code, to  
18 read:

19 60061.8. (a) ~~Recognizing~~ *The Legislature recognizes* that the  
20 range of performance and ability of pupils in kindergarten and  
21 grades 1 to 12, inclusive, ~~varies greatly, publishers shall make~~  
22 ~~instructional materials more accessible to pupils with disabilities~~  
23 ~~in the public schools after January 1, 2005.~~

24 (b) ~~“Performance and ability,” as used in this section, means~~  
25 ~~the ability to see, hear, move, read, write, attend, organize, focus,~~  
26 ~~engage, and remember.~~

27 (c) ~~All print varies greatly.~~

28 (b) *Basic instructional materials, as defined by Section 60010,*  
29 *offered on or after January 1, 2005, shall comply with all of the*  
30 *following:*

31 (1) *Print materials shall have sharp, clear, high contrast sans*  
32 ~~serif fonts comparable in shape to arial or helvetica. Print~~  
33 ~~materials, and highly legible fonts. Print materials~~ *designed for*  
34 *kindergarten shall use fonts that are at least 20 point. Print*  
35 *materials designed for grade 1 shall use fonts that are at least 18*

point. Print materials designed for grade 2 shall use fonts that are at least 16 point.

~~(d) A publisher shall extend design principles of technology based materials, as defined by Section 60010, to include the following:~~

~~(1) All video~~

(2) Video products designed for pupils in kindergarten and grades 1 to 12, inclusive, shall be closed-captioned except those portions, if any, where the publisher does not have the rights to do so.

~~(2)~~

(3) (A) Internet resources and digital multimedia programs intended for use by the general population of pupils, for pupils in kindergarten and grades 1 to 12, inclusive, shall meet or exceed standards for Internet accessibility, as set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Code of Federal Regulations:

~~(e) A publisher shall design digital multimedia programs intended for use by the general population of pupils in ways that, unless meeting or exceeding those standards would do any of the following:~~

~~(i) Fundamentally alter the nature of the instructional activity.~~

~~(ii) Result in an undue financial and administrative burden on a state agency, school district, or school.~~

~~(iii) Cause those Internet resources or digital multimedia programs to fail to meet standards otherwise required by this code.~~

(B) In order to facilitate access by pupils with disabilities who are progressing in the general curriculum. If, to the extent technologically feasible, a publisher shall design the digital multimedia program to shall allow the user to control sizing of images and fonts, speed and volume of audio, colors or contrast, or both colors and contrast, and other inherently transformable attributes, but not for modification of content, to match individual performance and abilities. If a publisher is not able to create a multimedia program that satisfies the requirements of this subdivision subparagraph, the publisher shall provide the State Department of Education with an alternative accessible format, such as a rich text file (RTF) Education with computer files or other electronic versions of textual content of basic instructional

1 *materials compatible with braille transcription, meeting*  
2 *department specifications at no additional cost, and as a*  
3 *condition of sale.*  
4 (c) *“Performance and ability,” as used in this section, means*  
5 *the ability to see, hear, move, read, write, attend, organize, focus,*  
6 *engage, and remember.*

